



*Creating Great Communities For All*  
**Connecticut Chapter of the  
American Planning Association**

February 17, 2023

**Testimony regarding  
H.B. No. 6294 AN ACT PROHIBITING THE REQUIREMENT OF A DONATION  
OF LAND AS A CONDITION OF SUBDIVISION APPROVAL**

CCAPA opposes this Proposed Bill, that seeks to take away a municipality's ability to require a set aside of land as part of a subdivision approval for the provision of open spaces, parks, and playgrounds. This provision has been a critical part of Section 8-25(a) of the Connecticut General Statutes for over 60 years, and has been an essential tool in allowing municipalities to provide for the orderly development of their communities in a way that prevents over-crowding over-development, and ensures that the community can provide for natural and recreational amenities for its growing population. Taking away this authority therefore takes away an essential ability for communities to mitigate impacts of development and population growth.

It is critical to note that this provision of the Statute has **always been an optional right** for municipalities. Specifically, Section 8-25(a) states:

“Such regulations shall also provide that *the commission may require* the provision of open spaces, parks and playgrounds when, and in places, deemed proper by the planning commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan.” (emphasis added)

There is no statutory requirement that any municipality, in any specific instance or set of Subdivision Regulations, **must** impose this open space provision. A municipal Planning Commission is always free to forego this set-aside, or the fee-in-lieu that the Statutes also provide for. If a Planning Commission decides that a subdivision proposal is insignificant enough that it is not likely to result in the need for additional open spaces, parks, and playgrounds, it is able to decide (or put provision in its Regulations) to approve the subdivision without this requirement.

While we can believe that some municipal Planning Commissions may have Regulations and practices of long-standing that require mandatory, inflexible set-asides of open space in all circumstances for all subdivision proposals, this is not a flaw of the State Statutes. This is simply an expression of the will of the individual Planning Commission to use the optional tools provided to them. It would be a simple local regulatory of policy change to alter this practice, and does not require further action by the State. The solution to the concerns behind this raised bill are local, and we strongly urge that the Statute remain intact and providing this critical planning tool to municipalities.

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## WHO WE ARE

The Connecticut Chapter of the American Planning Association (CCAPA) has over 420 members who are governmental and consulting planners, land use attorneys, citizen planners, and other professionals engaged in planning and managing land use, economic development, housing, transportation, and conservation for local, regional, and State governments, private businesses and other entities. CCAPA has long been committed to assisting the legislature and State agencies with developing and furthering responsible growth management principles. The APA is an independent, not-for-profit, national educational organization that provides leadership in the development of vital communities.

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## CONTACTS

CCAPA Govt. Relations Officer  
John Guskowski, AICP  
Phone: (860) 455-8251  
[ctplannersgovrel@gmail.com](mailto:ctplannersgovrel@gmail.com)

CCAPA President  
Emmeline Harrigan  
Phone: (203) 256-3050  
[emmelineharrigan@gmail.com](mailto:emmelineharrigan@gmail.com)